

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:08CV34  
(1:06CR31)

JONATHAN DAVID HARRISON,	)	
	)	
Petitioner,	)	
	)	
Vs.	)	<u>ORDER</u>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	

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**THIS MATTER** is before the Court *sua sponte* to require the Petitioner to advise the Court whether or not he intends to pursue this case.

In December 2008, the Court received a letter from the Petitioner in which he advised, in rather cryptic fashion, that he had been “designated to be transferred to camp status and wish to alleviate the above matter.” In response to his letter, the Court wrote the Petitioner on January 5, 2009, advising him that if by wishing “to alleviate” his § 2255 case, it was his intention to dismiss the action, then he should submit a motion (or a letter) specifically stating his intention to do so. He was further advised that if he

dismissed this action, no future § 2255 motion could be filed without permission from the Fourth Circuit Court of Appeals. To date, no response has been received from the Petitioner.

**IT IS, THEREFORE, ORDERED** that the Petitioner file with the Court within 30 days from entry of this Order a pleading stating whether or not he wishes to pursue this action. If he chooses to dismiss this case, the Petitioner must specifically request that this action be dismissed; such dismissal will be with prejudice and the Petitioner is advised that no future § 2255 proceeding may be filed by him without permission from the Fourth Circuit Court of Appeals.

**IT IS FURTHER ORDERED** that Petitioner's failure to respond to this Order within the 30-day time period directed above will be regarded as an abandonment of his case, and the action will be summarily dismissed.

Signed: March 31, 2009



Lacy H. Thornburg  
United States District Judge

